

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14237, of the Delaware Avenue Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7205.3 to provide accessory passenger automobile parking spaces elsewhere than on the same lot on which the main use is permitted with the Church located at 2114 13th Street, S.E. in an R-3 District and the spaces located at 1316 V Street, S.E., (Square 2774, Lots 831, 813 and 233).

HEARING DATE: February 13, 1985
DECISION DATE: March 6, 1985

FINDINGS OF FACT:

1. The subject application appeared on the preliminary calendar for the public hearing of February 13, 1985. A staff review of the file evidenced that the list of property owners within 200 feet of the subject site was inadequate. There was also a request from the Association of Community Organizations for Reform Now to continue the public hearing due to insufficient time for the Association to prepare for the hearing. The Board heard testimony on the notice issue from the applicant, the ANC and the opposition present. The Chair determined that sufficient notice had been given to the public and that the case would go forward on its merits.

2. The subject property is located on the north side of V Street between 13th and 14th Streets and is known as premises 1316 V Street, S.E. The site is in an R-3 District.

3. The subject Church is located at the southeast corner of the intersection of V and 13th Streets. The Church site is located less than 200 feet from the proposed parking lot.

4. The applicant Church proposes to use lots 831, 813 and 233 as accessory passenger automobile parking spaces to serve the members of the Church.

5. The applicant seeks its relief through a special exception under Sub-section 7205.3. The BZA may grant such relief provided that:

- A. It is not practicable to locate such spaces in accordance with Sub-section 7205.1;

- B. When the accessory parking spaces are to be located elsewhere than on the lot upon which the structure they are intended to serve is located, parking on an adjacent lot or lots separated only by an alley from the lot upon which the structure is located shall be preferred;
- C. The spaces are located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the structure which they are designed to serve, but in no case shall they be farther than 800 feet from any lot line of the lot upon which the structure is located; and,
- D. The Board may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose other conditions as it shall deem necessary to assure the continued provision and maintenance of the proposed spaces.

6. Both the Church and the proposed parking lot are located in an R-3 District.

7. The R-3 District is designed essentially for row dwellings but can include areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings and groups of three or more row dwellings. The R-3 District is designed to maintain a family-life environment.

8. The immediate area surrounding the proposed parking lot is developed with single family residences.

9. The subject lots have a lot area of 9,217 square feet. The lots combined have a width of 70.90 feet and a depth of 130 feet. The R-3 District prescribes a minimum lot area of 2000 square feet, 3,000 square feet and 4,000 square feet for row dwellings, one-family semi-detached dwellings and all other structures, respectively. The minimum required lot widths are twenty feet, thirty feet and forty feet, respectively.

10. The proposed parking lot is situated between two single family dwellings. The dwelling on the west is vacant and is owned by the applicant. The dwelling on the east side is unoccupied.

11. The proposed parking lot is located in a historic district.

12. The lots have been covered with gravel.

13. The Church has an enrollment of 450 members. The Church conducts three services on Sunday at 9:15 A.M., 11:00 A.M. and 3:30 P.M. There is a Tuesday night service conducted between 8:00 and 10:00 P.M. About three times a week, there are community services such as food distribution.

14. The subject lots will provide between twenty-two and thirty-five parking spaces. There will be attendant parking.

15. Presently the Church members park on neighboring streets. In the applicant's opinion, the proposed parking lot will decrease the parking congestion in the area.

16. The parking lot will be maintained and attended by the Church members.

17. The parking lot will be used exclusively as a church parking lot and not as a commercial facility. When the lot is not in use, it will be chained off.

18. There are three other churches in the immediate area. Services are conducted at those churches on the same schedules as the applicant on Sundays.

19. The applicant cannot use the parking facility of the other churches or other private lots since they are all occupied during services.

20. The subject Church structure occupies basically 100 percent of its site. It provides about three parking spaces on its site for the handicapped.

21. The applicant would comply with all conditions imposed by the Board.

22. V Street is a thirty foot wide local street. Other streets in the area include U Street, located one block north of the site, 13th Street, located east of the site, and 14th Street, located west of the site. Unrestricted parking is allowed on each of these streets, with the exception of 13th Street, where parking is prohibited from 7:00 A.M. to 9:30 A.M. and from 4:00 P.M. to 6:30 P.M.

23. Access to the parking lot is proposed from V Street. A curb cut permit will be required to provide access to the lot. This will remove between two and four residential parking spaces on V Street. No other access is possible to the lot, since it is between single family homes. There is also no alley located within the square to provide access to the lot.

24. The Department of Public Works (DPW), by memorandum dated February 6, 1985, found no objection to the creation

of a parking lot at this location, provided the following measures were taken to protect surrounding homes from any adverse traffic impacts which may be caused by the parking lot:

- A. The applicant must meet all of the requirements stipulated for parking lots under the Zoning Regulations for parking and loading to become effective on March 1, 1985.
- B. The applicant must meet all the requirements for open parking spaces and driveways stipulated in the newly adopted Zoning Regulations concerning parking.
- C. The applicant must provide at least a ten foot distance between the parking lot and all adjacent residential property, with the exception of the vacant structure located west of the lot.

For reasons stated below, the Board does not concur with the recommendation of the DPW.

25. Advisory Neighborhood Commission 6C, by letter dated February 5, 1985, reported that, at its special meeting on Thursday, January 31, 1985, after giving proper notice, and with a quorum present, the ANC passed the following resolution by a vote of 7 ayes to 1 nay:

Resolution, ANC 6C supports the Application of the Delaware Avenue Baptist Church, #14237, in as much as there was no opposition from the community and the establishment of a parking lot for the church would lessen traffic congestion & eliviate (sic) the parking problems of neighboring residents.

26. The Board is required by statute to give "great weight" to the issues and concerns of the ANC reduced to writing in the form of a resolution. The Board notes that there was opposition from the community, as more fully described below. The Board does not concur with the ANC resolution, for the reasons set forth in Finding No. 31.

27. There was opposition to the application at the public hearing and of record by the Association of Community Organizations for Reform Now (ACORN), the Frederick Douglas Neighborhood Improvement Council, an ANC Single Member District Commissioner (ANC6C08) and a former ANC Single Member District Commissioner (ANC 6C07). The grounds for the opposition were that the granting of the relief sought could set a precedent. There are several churches in the immediate area and there are vacant lots. If the subject Church were granted the relief requested, other churches could well seek the same relief. This would result in a

CONCLUSIONS OF LAW AND OPINION:


Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirement of Sub-section 7205.3 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has not met its burden of proof. For the reasons found in Finding No. 31, the Board concludes that granting the requested relief would have an adverse affect on the use of neighboring properties and would be contrary to the purpose and intent of the Zoning Regulations for the subject residential neighborhood. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. For the reasons stated, the Board cannot concur with the recommendation of the ANC. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Douglas J. Patton and Carrie L. Thornhill to DENY; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

15 JUL 1985

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14237order/LJPF